

**Remarks**

Applicant acknowledges with thanks the courtesy of an interview. Although no agreement was reached, it was suggested that the present amendments would place the claims in condition for allowance.

Claims 13-24 are rejected under 35 U.S.C. 103 as being obvious in view of Crundwell. It is the position of the Office that a heap such as that disclosed in Crundwell can be considered a confined volume since the heap itself is confined. While Applicant cannot and does not agree with that interpretation of a heap, claim 13 has been amended to require that the leaching occur in a housing defining an enclosed, confined volume. Support for this amendment is found in at least Fig. 1 and paragraphs [0026], [0031], and [0032], which describe a housing having a cover 60 and 70. Claim 13 has also been amended to incorporate the features of claim 14, which has been canceled. These amendments place the claims in condition to be allowed and should be entered as they do not require any additional searching since the amendments merely further define the aspects of the previously claimed confined volume and incorporate the features of a dependent claim.

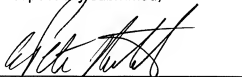
Crundwell does not teach or suggest a process to simulate microbiologically heap leaching an ore (1) in a housing defining an enclosed, confined volume or (2) controlling heat loss in the confined volume effectively to zero. Instead, Crundwell teaches a method of controlling a heap leach process by controlling the irrigation rate (Abstract). An operating heap leach process, however, is not the same as or remotely

similar to simulating a heap leach process, particularly one in a housing defining an enclosed, confined volume.

Moreover, there is nothing in Crundwell that teaches or suggests that any sort of simulation should be conducted in a manner to control heat loss from the confined volume effectively to zero. Without any such teaching or suggestion, a *prima facie* case of obviousness cannot be established. Therefore, the claims are allowable and an indication of that fact is solicited.

The Examiner is invited to contact the undersigned attorney for the Applicant via telephone at (312) 321-4276 if such communication would expedite allowance of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Peter Nichols', is written over a horizontal line.

G. Peter Nichols  
Registration No. 34,401  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200